



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

13/Response/Election  
Louman  
37-03

Applicant : Atsushi SHIMIZU

Serial No.: 09/885,296

Filed : June 20, 2001

Title : METHOD OF SETTING DIRECTION OF GROWING PERSONNEL, METHOD OF SELECTING SUPPLEMENTARY CAPABILITY, METHOD OF SELECTING SUPPLEMENTARY PERSONNEL, METHOD OF EVALUATING PERSONNEL, SYSTEM OF FORMING PERSONNEL FOSTERING PLAN, PERSONNEL SUPPLEMENTING SYSTEM, BUSINESS ACHIEVEMENT ASSESSING SYSTEM AND INFORMATION TRANSMITTING MEDIUM

Art Unit : 3629

Examiner : J. Ouellette

Assistant Commissioner for Patents  
Washington, DC 20231

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MAR 04 2003  
GROUP 3600

REPLY UNDER 37 CFR § 1.111

Dear Sir:

In response to the Restriction Requirement dated February 5, 2003, Applicant respectfully traverses the requirement to restrict the application and requests reconsideration in view of the following remarks. Applicant provisionally elects claims designated as Group I (*i.e.*, claims 1-5, 9-11, 20, and 21) for continued prosecution.

REMARKS

In the restriction requirement, it is asserted that claims designated as Group I (*i.e.*, claims 1-5, 9-11, 20, and 21), claims designated as Group II (*i.e.*, claims 6, 7, and 12-17), and claims designated as Group III (*i.e.*, claims 8, 18, 19, and 22) are drawn towards distinct inventions. For claims to be properly restricted, the claims must be found to be independent or distinct, *and* there must be a serious burden on the Examiner. See MPEP § 803.

Addressing the second requirement, in order to establish a proper restriction, a rebuttable *prima facie* case explaining that the burden exists due to either separate classification, separate status in the art, or a different field of search must be shown. MPEP § 808.02 sets forth what constitutes a separate status in the art. Specifically, "[e]ven though they are classified together, each subject can be shown to have formed a separate subject for inventive effort when